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LETTER DATED 1 OCTOBER 1999 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a summary of the indictment returned against Usama bin Laden and Muhammad Atef in United States Federal Court, Southern District New York, on 4 November 1998 (see annex).

The United States Government has repeatedly requested of Taliban representatives in various parts of the world, before and after 4 November 1998, that the Taliban turn Usama bin Laden and Muhammad Atef over to United States authorities and comply in general with the demand contained in Security Council resolution 1214 (1998) of 8 December 1998 "that the Taliban stop providing sanctuary and training for international terrorists ... and that all Afghan factions cooperate with efforts to bring indicted terrorists to justice". Between August 1998 and 1999, the Taliban rejected over 20 requests from the United States to expel or turn over Usama bin Laden and members of his terrorist organization to responsible authorities in a country where he could be brought to justice.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) A. Peter BURLEIGH

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Annex

Indictment summary

On 4 November 1998, Usama bin Laden and Muhammad Atef, aka "Abu Hafs", were indicted in Manhattan Federal Court for the 7 August 1998 bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and for conspiring to kill American nationals outside of the United States.

The United States Department of State also announced on 4 November 1998 rewards of up to $5 million each for information leading to the arrest or conviction of bin Laden and Atef.

The first count of the indictment charges that bin Laden and Atef, along with co-defendants Wadih el Hage, Fazul Abdullah Mohammed, Mohamed Sadeek Odeh and Mohamed Rashed Daoud Al-Owhali, acted together with other members of "al Qaeda", a worldwide terrorist organization led by bin Laden, in a conspiracy to murder United States nationals. The objectives of this international terrorist conspiracy allegedly included: killing members of the American military stationed in Saudi Arabia and Somalia; killing United States nationals employed at the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; and concealing the activities of the co-conspirators by, among other things, establishing front companies, providing false identity and travel documents, engaging in coded correspondence and providing false information to the authorities in various countries.

Bin Laden's organization al Qaeda allegedly functioned both on its own and through some of the terrorist organizations that operated under its umbrella, including the Al Jihad group based in Egypt, the Islamic Group (aka "El Gamaa Islamia" or simply "Gamaa't"), led at one time by Sheikh Omar Abdel Rahman, and a number of jihad groups in other countries including the Sudan, Egypt, Saudi Arabia, Yemen and Somalia. Al Qaeda also allegedly maintained cells and personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom and United States.

In order to further this international conspiracy to murder United States nationals, bin Laden and other co-conspirators are alleged to have committed the following acts: (1) providing training camps for use by al Qaeda and its affiliates; (2) recruiting United States citizens including the defendant El Hage to help facilitate the goals of al Qaeda; (3) purchasing weapons and explosives; and (4) establishing headquarters and businesses in the Sudan.

The indictment also alleges that fatwas were issued by bin Laden and a committee of al Qaeda members urging other members and associates of al Qaeda to kill Americans. According to the indictment, several of these fatwas called for attacks on American troops stationed in Saudi Arabia and Somalia. The indictment specifically charges the 7 August 1998 bombings of the United States embassies in Kenya and Tanzania as actions taken in furtherance of this conspiracy to kill American nationals.

Bin Laden and Atef, along with Abdullah Mohammed, Odeh and Al-Owhali, are also charged with bombing the two embassies and causing the deaths of more than 200 persons and injuring more than 4,500 others. Those five defendants are also charged with murdering all of the civilians killed in the embassy bombings. The indictment names all of the victims of the bombings and each victim is charged as a separate count of murder for a total of 224 counts of murder against bin Laden, Atef, Abdullah Mohammed, Odeh and Al-Owhali.